

REMARKS

STATUS OF CLAIMS

Claims 40-41, 47-50, and 54-60 were previously pending. Since no claims have been added or cancelled, these claims remain pending for reconsideration.

REJECTION UNDER 35 USC § 103

In the office action, claims 40-41, 47-50, and 54-60 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,047,317 (hereafter “Biskidian”) in view of US Patent No. 5,559,548 (hereafter “Davis”). Claims 48-49 and 58-59 are rejected under 35 USC 103(a) as being unpatentable over Biskidian in view of Tanigawa. Applicants respectfully traverse these rejections for the following reasons.

Independent claim 40 recites, *inter alia*, that in a source of audiovideo data transmitted to a plurality of subscriber receivers

...(d) determining which pages in the carousel contain links to the new page;

(e) modifying metadata for each page in the carousel containing links to the new page;

(f) determining which pages in the carousel are linked to by the new page;

(g) modifying metadata for the new page for each page in the carousel linked to by the new page;

(h) determining when the carousel is ready for transmission;

(i) repeating steps (a) — (h) until the carousel of pages is determined to be ready for transmission.

None of these features are disclosed or suggested by the applied references. Specifically, the office action acknowledges that these features are not disclosed by Biskidian. See page 3 of the office action.

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The office action then alleges that these features are disclosed by *Davis*.

However, nothing in the *Davis* discloses or suggests anything that discloses these recited features. Specifically, *Davis* discloses a system and method for information display of an electronic program guide. In one of the embodiments (relied on in the office action), *Davis* discloses that its disclosed passive electronic program guide may be combined with an interactive program guide. *See* col. 19, line 66 to col. 20, line 1 of *Davis*.

The office action then cites to col. 20, lines 43-47 of *Davis* which discloses that

In addition, the application software for implementing or updating the interactive portion of the electronic program guide may also be transmitted from the cable head-end to subscribers.

However, this transmitted application software (of *Davis*) does not perform the steps of (d) determining which pages in the carousel contain links to the new page; (e) modifying metadata for each page in the carousel containing links to the new page; (f) determining which pages in the carousel are linked to by the new page; (g) modifying metadata for the new page for each page in the carousel linked to by the new page.

Rather, as disclosed by *Davis*, the interactive electronic guide of *Davis* operates by overlaying interactive program schedule information controlled by the user over the original video signal received on a program guide channel. *Davis* discloses producing “a composite NTSC output signal containing both the original video signal and the interactive program schedule information as controlled by the user. This composite video signal is supplied...to the television receiver 260, which the user keeps tuned to the modulated channel, for example, channel 3 or 4.” *See* col. 21, lines 1-8 of *Davis*. However, this disclosed operation of *Davis* does not teach or require automatically determining which pages in the carousel contain links to new pages or which pages in the carousel are linked to by the new page. In fact, nothing in *Davis* relates to these links between pages in the carousel as recited in pending independent claim 40.

Therefore, several recited features in independent claim 40 are not disclosed or suggested by either Biskidian or *Davis* or their reasonable combination. Accordingly, the

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office action fails to make a *prima facie* case of obviousness with respect to independent claim 40.

Independent claim 56 recites, *inter alia*,

means for (d) determining which pages in the carousel contain links to the new page;

means for (e) modifying metadata for each page in the carousel containing links to the new page;

means for (f) determining which pages in the carousel are linked to by the new page;

means for (g) modifying metadata for the new page for each page in the carousel linked to by the new page;

means for (h) determining when the carousel is ready for transmission;

means for (i) repeating steps (a) – (h) until the carousel of pages is determined to be ready for transmission;

As discussed earlier herein in the context of claim 40, these features are also not disclosed by the reasonable combination of Biskidian and Davis for reasons that are similar to those discussed in the context of claim 40. Accordingly, applicants respectfully submit that claim 56 is also patentable over the applied references.

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DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.

Specifically, applicants note that the rejections of claims 48-49 and 58-59 over the combination of Biskidian and Tanigawa appears to insufficient since the disclosure of Tanigawa has been applied only to the specific features recited in claims 48-49 and 58-59. Since these claims depend from independent claims 40 and 56, respectively, this rejection appears to be erroneous since the office action itself acknowledges that several features in the respective independent claims are not disclosed by Biskidian. Accordingly, this rejection is erroneous and should be withdrawn.

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CONCLUSION

Accordingly, applicants submit that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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/Noemi Tovar/
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